

*AMENDMENTS TO THE CLAIMS*

This Listing of Claims will replace all prior versions, including listings, of claims in the application.

***Listing of Claims***

Claim 1 (currently amended): An isolated nucleic acid ~~selected from the group consisting of (a) an isolated nucleic acid encoding the polypeptide having the amino acid sequence set forth in SEQ ID NO:5 and (b) an isolated nucleic acid which hybridizes under stringent conditions to the isolated nucleic acid encoding the polypeptide having the amino acid sequence set forth in SEQ ID NO:5 and provides a plant with resistance to Xanthomonas when transfected into the plant, wherein the stringent conditions are selected from the group consisting of (1) using a low ionic strength and high temperature for washing consisting of 0.015M NaCl/0.0015M sodium tatrare/0.1% sodium dodecylsulfate at 50° C, (2) using a denaturing agent during hybridization consisting of 50% formamide with 0.1% bovine serum albumin/0.1% Ficoll/0.1% polyvinylpyrrolidone/50 mM sodium phosphate buffer at pH 6.5 with 750 mM NaCl, 75mM sodium citrate at 42° C and (3) using a denaturing agent during hybridization consisting of 50% formamide, 5 x SSC (0.75M NaCl, 0.075M sodium citrate), 50mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, 50 µg/m sonicated salmon sperm DNA, 0.1% SDS, and 10% dextran sulfate at 42° C with washes at 42° C in 0.2 x SSC and 0.1% SDS and wherein the isolated nucleic acid of (b) has 90% identity with the isolated nucleic acid of (a).~~

Claim 2 (canceled).

Claim 3 (currently amended): The isolated nucleic acid of claim 1, wherein the nucleic acid is selected from the group consisting of ~~(+)~~ (i) a nucleic acid having the nucleotide sequence set forth

in SEQ ID NO:1, (ii) ~~a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:2~~, (iii) a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:3, ~~(iv) and (iii)~~ a nucleic acid having the nucleotide sequence set forth in SEQ ID NO:4, and (v) ~~an isolated nucleic acid comprising a polynucleotide sequence of greater than about fifty nucleotides which shows more than ninety percent identity to SEQ ID NO:1 and provides a plant with resistance to *Xanthomonas* when transfected into the plant to said isolated nucleic acid of (i), (ii), (iii) or (iv) and provides a plant with resistance to *Xanthomonas* when transfected into the plant, wherein the stringent conditions are selected from the group consisting of (1) using a low ionic strength and high temperature for washing consisting of 0.015M NaCl/0.0015M sodium tatractate/0.1% sodium dodecylsulfate at 50° C, (2) using a denaturing agent during hybridization consisting of 50% formamide with 0.1% bovine serum albumin/0.1% Ficoll/0.1% polyvinylpyrrolidone/50 mM sodium phosphate buffer at pH 6.5 with 750 mM NaCl, 75mM sodium citrate at 42° C and (3) using a denaturing agent during hybridization consisting of 50% formamide, 5 x SC (0.75M NaCl, 0.075M sodium citrate), 50mM sodium phosphate (pH 6.8), 0.1% sodium pyrophosphate, 5 x Denhardt's solution, 50 µg/m sonicated salmon sperm DNA, 0.1% SDS, and 10% dextran sulfate at 42° C with washes at 42° C in 0.2 x SSC and 0.1% SDS and wherein the isolated nucleic acid of (v) has 90% identity with the respective isolated nucleic acid of (i), (ii), (iii) or (iv).~~

Claims 4-10 (canceled).

Claim 11 (previously presented): A vector which comprises the isolated nucleic acid of claim 1.

Claim 12 (previously presented): The vector of claim 11 which further comprises a plant functional promoter operably linked to said nucleic acid.

Claim 13 (previously presented): The vector of claim 12, wherein the promoter is selected from the group consisting of a tissue-specific promoter, a constitutive promoter and an inducible promoter.

Claims 14-25 (canceled).

Claim 26 (previously presented): A vector which comprises the nucleic acid of claim 3.

Claims 27-28 (canceled).

Claim 29 (currently amended): The vector of claim ~~27~~ 26 which further comprises a plant functional promoter operably linked to said nucleic acid.

Claim 30 (previously presented): The vector of claim 29, wherein the promoter is selected from the group consisting of a tissue-specific promoter, a constitutive promoter and an inducible promoter.

Claims 31-36 (canceled).